

**R. Sumner Fortenberry**

Attorney At Law  
sfortenberry@bradley.com  
601.592.9922 direct



April 4, 2025

Hon. Daniel J. Stewart  
U.S. Magistrate Judge  
James T. Foley U.S. Courthouse  
445 Broadway, Room 314  
Albany, New York 12207

***Re: Real Property Commonly Known as 600 Linkhorn Drive, Virginia Beach, VA 23541, et al., Civil Action No. 1:24-cv-1345 (MAD/DJS)***

Dear Judge Stewart:

Please allow this letter to serve as B and R Acquisition Partners, LLC and JHM Lending Ventures, LLC (collectively, “B&R”)’s response to the letter motion filed by the United States on April 4, 2025. *See* ECF No. 47. That letter seeks a post-seizure hearing before the Court regarding the forfeitability of one of the properties at issue in this civil forfeiture action—namely, 600 Linkhorn Drive, Virginia Beach, Virginia 23541 (“the Property”). *See id.* B&R had originally intended to file a brief response to the United States’ *ex parte* motion seeking seizure of the Property, but as that relief has been granted, B&R responds instead to the letter motion.

B&R is the holder of a perfected security interest in the Property, which is owned by Prime Capital, LLC.<sup>1</sup> B&R was a bona fide purchaser for value of its interest, which it obtained without knowledge and without reasonable cause to believe that the Property was subject to forfeiture. In other words, B&R is an “innocent owner” of its interest in the Property, and the United States may not forfeit that interest. *See* 18 U.S.C. § 983(d). B&R has filed a claim to that effect and answered the complaint for *in rem* forfeiture to assert, among other things, the “innocent” owner defense. *See* ECF No. 38.

B&R does not oppose the United States’ temporary seizure of the Property insofar as it was accomplished for the purpose of inspecting the Property for damage; inventorying the assets at the Property; and maintaining, protecting and securing the Property from additional damage. In fact, B&R provided critical information to the United States regarding potential damage to and removal of assets from the Property that precipitated the United States’ *ex parte* motion. However, B&R objects

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<sup>1</sup> The United States’ letter motion incorrectly identifies the owner of the Property as Kris Roglieri.

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to the United States' generalized assertions that the Property is subject to forfeiture. It is not—at least as to B&R and its interest.

Should the United States obtain its requested hearing, B&R requests the opportunity to participate to the extent necessary to protect its interest in the Property. While the United States has yet to formally seek to strike B&R's claim, it has suggested to B&R that it will seek to do so. B&R does not wish to be prejudiced in its defense of its interest in the Property by any findings made in the requested hearing.

Please do not hesitate to contact Patrick Everman or me should the Court have any questions regarding B&R's participation or positions in this matter.

Best regards,

A handwritten signature in blue ink, appearing to read "R. Sumner Fortenberry", with a large, sweeping underline.

R. Sumner Fortenberry

cc: Patrick Everman, Esq.  
Elizabeth Conger, Esq.